

The Seabrook Planning and Zoning Commission met in regular session on Thursday, September 15, 2022 at 6:00 PM at Seabrook City Hall and via teleconference to consider and if appropriate, take action on the agenda items listed below:

THOSE PRESENT WERE:

GARY RENOLA	CHAIRMAN
DARRELL PICH	VICE - CHAIR
SCOTT REYNOLDS	MEMBER
ROSEBUD CARADEC	MEMBER
GUY RODGERS (exc. absence)	MEMBER
RHONDA THOMPSON	MEMBER
ED KLEIN (exc. absence)	MEMBER
SEAN LANDIS	DIRECTOR OF COMMUNITY DEVELOPMENT
PAT PATEL	ADMINISTRATIVE COORDINATOR

Chairman Gary Renola called the meeting to order at 6:00 p.m. and stated there was a quorum present.

1.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

None

2.0 SPECIFIC PUBLIC HEARINGS

Chairman Renola opened the Public Hearing at 6:01 p.m.

2.1 Conduct a Public Hearing on a request for approval of a Preliminary Planned Unit Development (Preliminary PUD) to create "Highland Center Mixed Use Development"; a mixed used development consisting of a 13 story, 238 unit, Class A Multifamily Apartment Building; and a single story 5200 square feet Retail/Restaurant Building; and 556 parking spaces.

Owner: PHCG Investments, 642 Yale Street, Houston, TX 77007-2553

Applicant: Bill Neeson, Highland Resources, Inc., 1001 Fannin, Suite 4775, Houston, TX 77002.

Legal Description:

Being a tract or parcel of Land containing 3.1069 Acres (35,359 square feet) of land and being Abstract 52 R Morris, Tract 16 and Tract 18.

This property is located at 3805 and 3813 NASA Road, which is south of NASA Road 1, east of Bayou View Drive, and west of Repsdorph Drive.

Director Sean Landis presentation:

- Purpose of the Preliminary Planned Unit Development (PUD) is to provide a flexible approach for development, allows a more flexible response to the market, encourage innovative mixed uses and site plan design.*

- The applicant is requesting the approval of a Preliminary Planned Unit Development (PUD) "Highland Center Mixed Use Development".
- Proposed project will be constructed on a 3.1069 acre site located south of NASA Road 1, and north of Clear Lake.
- Request is to develop a mixed use development consisting of a 13 story, 238 unit, class A multi-family apartment building; and a single story 5200 square feet retail/restaurant building; and 556 parking spaces to include a parking garage.
- Property is located within the WAD (Waterfront Activity) zoning districts. This district is specifically designed to accommodate a select group of commercial and recreational land use activities associated with waterfront areas. The primary land use orientation of the district is retail-commercial establishments with a waterfront marine-coastal theme. The land uses within this district are also intended to meet a portion of the community's tourism and recreational demand. The incorporation of piers, boardwalks, outdoor patios, and outdoor cafes into site development of properties located in this district is encouraged.
- The applicant has stated that the goal for the development of Highland Center along NASA Road 1 in Seabrook is to develop a mixed-use center with an emphasis on new luxury hi-rise apartment living and a destination restaurant.

Applicant Presentation:

- Applicant: Highland Resources, Inc. (Bill Neeson)
- Location of property is at 3805 and 3813 NASA Road. 3.1069 acres (35,359 square feet) of land
- New apartment building will have state-of-the-art amenities including a fitness center, yoga lawn, waterfront pool deck and accommodation for pets
- Goal for the restaurant is to provide a three-meal destination food and beverage venue on the waterfront. The venue will also provide live entertainment and be available for events such as corporate dinners, social gatherings, receptions, and private dinners.
- The dock areas connected to the site are intended to be refurbished and provide dock access for residents and visitors to the restaurant. The building and garage structures are to be constructed of cast-in-place concrete, providing for a high-quality long-lasting project.
- Primary benefits of a luxury rental project along NASA Road 1 are the impacts to construction spending, operations and ongoing maintenance investments and resident spending in the community.
- Proposed apartment building will cost more than \$70 million dollars to design and construct. This investment will drive local contractor bidding and increase jobs for skilled labor.
- The operation of the building after completion will add jobs in property management and maintenance.
- Residents of for-rent projects tend to spend more of their income locally, benefiting the local economy.
- According to the National Multifamily Housing Council (NMHC) economic calculator for impact of apartment projects on the local community, the economic impact of the proposed project in Seabrook would be in excess of \$100 million. The ongoing impact from tax revenues is estimated to be in excess of \$5 million from resident spending and operational expenditures.
- The total number of jobs Highland Center will support through construction, operations, and resident spending within the metro economy is estimated to be in excess of 600 jobs.

Public Comments:

- Cecilia Monge, NASA Pkwy., - 17year resident of Seabrook, concerned about noise and traffic on NASA, does not want another apartment building.

2.2 Conduct a Public Hearing on a request for a Conditional Use Permit to establish a "Music Venue" at 2623 NASA Road 1, as per the Seabrook City Code, Appendix A, Comprehensive Zoning, Article 4, "Special Use Regulations," Section 4.11, "Conditional use permit criteria and procedures."

AN ORDINANCE AMENDING THE SEABROOK CITY CODE, APPENDIX A, COMPREHENSIVE ZONING, ARTICLE 13, "TEMPORARY AND NONTEXT CHANGES," SECTION 13.03, BY ADDING A NEW PARAGRAPH (30) GRANTING A CONDITIONAL USE PERMIT FOR A "MUSIC VENUE" TO BE LOCATED AT 2623 NASA ROAD 1, WITHIN THE MMU (MARINE ORIENTED MIXED USE) ZONING DISTRICT AND ESTABLISHING ANY APPLICABLE CONDITIONS FOR THE OPERATION OF THE BUSINESS IN ACCORDANCE WITH LAW; PROVIDING A PENALTY IN AN AMOUNT OF NOT TO EXCEED \$2,000.00 FOR VIOLATION OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Applicant: Patrick Robinson, 104 Shirleen Drive, Seabrook, TX 77586

Owner: PHICON LLC, 2511 NASA Parkway, Suite 202, Seabrook, TX 77586

Legal Description: A TRACT OR PARCEL OF LAND CONTAINING 2.1092 ACRES (91875 SQUARE FEET) SITUATED IN THE RITSON MORRIS SURVEY, ABSTRACT NO. 52, IN HARRIS COUNTY, TEXAS, BEING THE REMAINDER OF A CERTAIN CALLED 2.1324 ACRE TRACT BEING RECORDED UNDER HARRIS COUNTY CLERK'S FILE NO. (H.C.C.F. NO.) V120759, SAVE AND EXCEPT A CERTAIN CALLED 0.023 ACRE TRACT CONVEYED TO THE STATE OF TEXAS BEING RECORDED IN H.C.C.F. NO. R768322.

Director Sean Landis presentation:

- Applicant is requesting a Conditional Use Permit to establish a "Music Venue Use" at 2623 NASA Road 1.
- Property is currently zoned (MMU) Marine Oriented Mixed Use District. The MMU district is primarily aimed at accommodating the establishment of waterfront and over-water activities, primarily marinas, shipyards and their associated commercial activities.
- The land uses within this district are also intended to meet a portion of the community's tourism and recreation demand.
- The incorporation of piers, boardwalks, outdoor patios and outdoor cafes into site development of properties located in this district are encouraged.

Applicant Presentation:

- Barge 295 would like to obtain a "Music Venue" Conditional Use Permit. Our goal is to enhance our location in a manner that will benefit the community and follows all Federal, State, and Local rules and regulations.
- Address any potential harmful impact on adjacent properties, or surrounding areas
- Barge 295 is located at 2613 East NASA Parkway. Location has been in operation as a Bar/Restaurant for close to 40 years in the community
- Live entertainment has always been a part of the sites business model
- Other similar locations close to the location still rely heavily on live entertainment
- In 2019, management entered a lease to gain access to additional parking and developed the site to include a stage for entertainment. Management worked closely with the City to achieve this.

- Since then, regulations have changed in order to add in the land-use matrix a definition for "music venue"
- Since becoming Barge 295 management has invested heavily in remodeling and improvement to achieve its business plan
- COVID brought a new set of challenges that impacted the Bar and Restaurant industry nationwide
- Some of the first issues that were brought to us revolved around noise ordinance complaints. Management was of the understanding that we were operating within the limits established by the City. During that time, management had to make business decisions in order to stay afloat under enormous financial strain
- The City ordered a sound study and when the report came back, it showed that the entertainment stayed within the noise ordinance established at that time
- Permitting issues have been resolved with the City. As of Quarter 1, 2022 all outstanding issues have been resolved.
- Barge 295 is in alignment with many of the stated goals of the City and Community as described in the Comprehensive Master Plan 2030. Our location and business checks all of the boxes regarding Waterfront Development.
- Residents identified restaurants, entertainment venues, and higher-end retail as the top three most desired businesses to see developed in Seabrook.
- Barge 295 has been active in the community and has partnered with multiple organizations to promote the City, Community and Charitable associations.
- There is little debate that our business has a substantial and positive economic impact for the City and community. Based on several past events, 60% of participants have been from outside Seabrook.
- We are confident that this also helps other businesses in the community by driving more potential customers into the area during business hours.
- Operating Plan for the Music Venue: No event will perform past 10:00pm (unless approved through a special event permit). While we would ask that we have the ability to operate 7 days a week.
- Music Venue Definitions – a commercial establishment with a building, building complex, and/or an indoor or outdoor area where a component of the business use is to accommodate sound amplified performances, including live amplified music, the presentation of music/sound played on amplified sound equipment operated by the owner, employee, an agent or a contractor commonly known as a "disc jockey", "DJ", and karaoke performance. A music venue is a specific use, where the business may sell tickets, imposes an admission charge, cover charge, or related charge to observe that entertainment or performance.
- Music Venue Off-Street Parking Regulations: One parking space per every 2.5 occupants plus one parking space per every 2 employees on the largest shift; occupant limits are to be established by the City's building official and fire marshal and shall be posted onsite as required by the City's adopted building and fire codes.

Public Comments:

- Chris Smith, Larrabee Dr., - concerned about sound mitigation, potential impacts to the residents, supports the business but would like to address the loud music at night, as well as parking issues
- Tim Williams, Larrabee Dr., - house is 100 yards from the stage, noise issues, trash issues, concert every night, does not support music venue permit
- Andy Billipp, - noise levels have exceeded the ordinance many times, police have been called many times, complaints filed numerous times, supports the business but does not support music venue permit
- Tom Taylor, Lakewood Ln., - opposes the music venue, business does not shut down on time
- Jordan Applebee, Antigua,- business displays a willingness to mitigate issues, a compromise can be done here, property values still rising despite music venue, business is still sticking to vision of the city, supports music venue permit

- Jeanette Matthews, Lakeside Dr., - supports the business but noise is an issue, concerned during weekdays because kids have school, overflow parking is an issue because people are parking in front of home
- Robert Lamy, Lakeside Dr., - noise levels are an issue, vulgar language and music is a problem, parking in front of our homes is a problem
- Alecia Root, Cypress Ct., - lives 0.9 miles away from business, noise is a problem, can hear noise inside house, problem with vulgar language that kids can hear in our neighborhoods, turning left is an issue at this establishment, traffic issues, does not support music venue permit
- Teresa Hogrefe, Oceanview Dr., - 19year seabrook resident, filed numerous complaints about noise, supports the business but does not support music venue permit
- Ken Hogrefe, Oceanview Dr., - vulgar language an issue as well as noise complaints, does not support music venue permit
- Patty Bengtson, Lakewood Ln., - loud music is an issue and vulgar language is a problem
- John Burnett, Lakewood Ln., - too much noise is an issue at this business
- Lahara, Lakeside Dr., - concerned about noise at this business, property value has gone down because of noise levels, nobody wants to buy a house at this location, not a positive thing for the City, noise does not shut down at 10:00pm, does not support music venue permit
- Barge Owner., - the area where the noise comes from "The Yard" area where the stage is, does not like the vulgar language, addressed the permitting issues with the City, cannot stop how noise travels, occupancy was special events only.

2.3 Conduct a Public Hearing on a request for approval for the Preliminary Plat of Seabrook Town Center Multifamily and Commercial.

A SUBDIVISION OF 19.54 ACRES OF LAND SITUATED IN THE RITSON MORRIS SURVEY, ABSTRACT NO. 52, CITY OF SEABROOK, HARRIS COUNTY, TEXAS AND BEING A REPLAT OF PART OF LOTS 15 THRU 18 OF RUGGLE'S SUBDIVISION, A SUBDIVISION PER PLAT RECORDED UNDER VOLUME 5, PAGE 30 OF THE HARRIS COUNTY MAP RECORDS.

PURPOSE: TO CREATE 1 BLOCK 1 RESERVE

Applicant: Steve Helm, HS Development Group, 25003 Pitkin Road Suite 500, Spring, Texas 77386

Owner: Steve Helm, Seabrook Town Centre Partners LLC, 25003 Pitkin Road Suite 500, Spring, Texas 77386

Legal Description:

Tract 1: A 3.4 196 acre tract of land situated in the Ritson Morris Survey, Abstract 52, Harris County, Texas and being out of and a part of Lots 17 and 18 of Ruggles Subdivision as recorded in Volume 5 at Page 30 of the Map Records of Hams County, Texas. Said tract also being all of that certain 1.7 16 acres conveyed by Red Bluff Development Company to City of Seabrook by Deed dated August 2, 1972 and recorded under County Clerk's File No. D695743 of the Deed Records of Hams County, Texas;

all of that certain 0.6887 of an acre conveyed by Red Bluff Development Company to City of Seabrook by Deed dated April 19, 1966 and recorded under County Clerk's File No. C401938 of the Deed Records of Harris County, Texas and all of that certain 1.000 acre tract of land conveyed by Red Bluff Development Company to City of Seabrook by Deed dated December 9, 1967 and recorded under County Clerk's File No. C828387 of the Deed Records of Harris County, Texas.

Tract 2: A 12.1341 acre tract of land situated in the Ritson Morris Survey, Abstract 52, Harris County, Texas and being out of and apart of Lots 15, 16, 17 and 18 of Ruggles Subdivision as recorded in Volume 5 at Page 30 of the Map Records of Harris County, Texas. Said tract also being out of and a part of the residue of that certain 40.92 acre tract of land conveyed by Theodore Dee McCollom, Jr. to Seabrook Venture II by Correction Deed dated March 1, 2000 and recorded under County Clerk's File No. U265 748 of the Official Public Records of Real Property of Harris County, Texas.

Tract 3: Being a tract of land containing three and nine hundred eighty two thousandths (3.982) acres out of and part of the Ritson Morris League, Abstract 52, in Harris County, Texas, and being out of and a part of Tract Two (2) conveyed by Humble Oil and Refining Company to Friendswood Development Company by Deed Dated October 15, 1962.

Location: This property is located north of Repsdorph Road, south of Oak Dale Way, west of State Highway 146, and east of Lakeside Drive.

Director Sean Landis presentation:

- The applicant is requesting to subdivide the property into 1 Block and 1 Reserve
- The owner (Seabrook Town Centre Partners, LLC) wishes to construct an approved Planned Unit Development (PUD) called "Edge at Seabrook Town Centre" a mixed-use development comprised of 320 units of multifamily, and 37,540 square feet of leasable commercial space.
- Staff has reviewed the Preliminary Plat, and finds it to be compliant with the City's Subdivision and Zoning Ordinances. Staff recommends that the commission approve the preliminary plat.

Chairman Renola closed Public Hearings at 7:55 p.m.

3.0 NEW BUSINESS

3.1 Consider and take all appropriate action on a request for approval of a Preliminary Planned Unit Development (Preliminary PUD) to create "Highland Center Mixed Use Development"; a mixed use development consisting of a 13 story, 238 unit, Class A Multifamily Apartment Building; and a single story 5200 square feet Retail/Restaurant Building; and 556 parking spaces.

Motion made by Rhonda Thompson and seconded by Darrell Picha.

To approve the request for a Preliminary Planned Unit Development (Preliminary PUD) to create "Highland Center Mixed Use Development" consisting of a 13 story, 238 unit, class A multifamily apartment building; and a single story 5,200 square feet retail/restaurant building; and 556 parking spaces.

MOTION CARRIED BY UNANIMOUS CONSENT

3.2 Consider and take all appropriate action on a request for a Conditional Use Permit to establish a "Music Venue" at 2623 NASA Road 1, as per the Seabrook City Code, Appendix A, Comprehensive Zoning, Article 4, "Special Use Regulations," Section 4.11, "Conditional use permit criteria and procedures."

Motion made by Darrell Picha and seconded by Scott Reynolds.

To approve the request for a Conditional Use Permit to establish a "Music Venue" at 2623 NASA Road 1.

MOTION OPPOSED BY UNANIMOUS CONSENT

3.3 Consider and take all appropriate action on a request for approval for the Preliminary Plat of Seabrook Town Center Multifamily and Commercial.

Motion made by Scott Reynolds and seconded by Darrell Picha.

To approve the Preliminary Plat of Seabrook Town Center multifamily and commercial as presented.

MOTION CARRIED BY UNANIMOUS CONSENT

4.0 ROUTINE BUSINESS

4.1 Approve the minutes from the September 15, 2022 Regular P&Z meeting.

Motion made by Darrell Picha and seconded by Rhonda Thompson.

To approve the minutes as presented.

MOTION CARRIED BY UNANIMOUS CONSENT

4.2 Report from the Director of Planning and Community Development on the status of a list of actions taken by Planning & Zoning and sent to City Council for its action or review.

Sean Landis gave a brief report.

4.3 Establish future agenda items and meeting dates.


- November 17, 2022 regular P&Z meeting

Motion was made by Rosebud Caradec and seconded by Darrell Picha.

To adjourn the October 20, 2022 Planning & Zoning meeting.

Having no further business, the meeting adjourned at 8:20 p.m.

APPROVED THIS 17th DAY OF November, 2022.



Gary T. Renola, Chairman



Pat Patel, Administrative Coordinator